

**SUPREME COURT MINUTES  
WEDNESDAY, JULY 21, 1999  
SAN FRANCISCO, CALIFORNIA**

S078845 People, Appellant

6th Dist. v.

H018163 Joel Robert Tobias, Respondent

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frazer*, S067443 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Chin, J.

Brown, J.

S078879 In re Hugo Rangel Resendiz

4th Dist. on

G023901 Habeas Corpus

Div. 3 Petition for review GRANTED.

George, C.J.

Kennard, J.

Baxter, J.

Chin, J.

Brown, J.

S078962      Zubair M. Kazi et al., Appellants

2nd Dist.      v.

B089804      State Farm Fire and Casualty Company et al., Respondents

Div. 4      Gary S. Smolker, Appellant

Petitions for review GRANTED.

The issues to be argued before this court shall be limited to

1) whether interference with an easement right is “Property damage” to “Tangible property” giving rise to a duty to defend, and whether this decision conflicts with *Gunderson v. Fire Ins. Exch.* (1995) 37 Cal.App.4th 1106; and 2) whether the Court of Appeal incorrectly characterized part of the underlying action as involving physical property damage.

George, C.J.

Kennard, J.

Baxter, J.

Chin, J.

Brown, J.

S079297      People, Appellant

1st Dist.      v.

A083992      Steven Thomas Gangbin, Respondent

Div. 4      Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frazer*, S067443 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Chin, J.

Brown, J.

S079413      People, Appellant  
4th Dist.      v.  
G022487      Carl Robert Bucy, Respondent  
Div. 3      Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frazer*, S067443 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S079437      People, Respondent  
2nd Dist.      v.  
B118522      Gregory Taylor, Appellant  
Div. 7      Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Tufunga*, S072486 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S079760 In re the Marriage of Susann Margreth and Barry Lamar Bonds  
1st Dist. -----  
A075328 Susann Margreth Bonds, Appellant  
A076586 v.  
Div. 2 Barry Lamar Bonds, Respondent  
Respondent's petition for review GRANTED.

George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.  
Brown, J.

S005970 People, Respondent  
v.  
Joseph William Hart, Appellant  
Petition for rehearing DENIED.  
Opinion modified.

S063446 People, Respondent  
2nd Dist. v.  
B095369 Isabel Morante, Appellant  
Div. 4 Petition for rehearing DENIED.  
Request for modification of opinion denied.

S069783 People, Respondent  
2nd Dist. v.  
B113080 Jerry Garcia, Appellant  
Div. 7 Petition for rehearing DENIED.  
Opinion modified.

S011206 People, Respondent  
v.  
George Hatton Smithey, Appellant  
The time for granting or denying a rehearing in the above cause is hereby extended to and including September 29, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

- S078662      Shawn Leroy Paul, Petitioner  
                 v.  
                 Clerk of the Supreme Court et al., Respondents  
                 People, Real Party in Interest  
                 Petition for writ of mandate DENIED.
- S078916      Gary D. Marshall, Petitioner  
                 v.  
                 Fourth District Court of Appeal, Division Two, Respondent  
                 People, Real Party in Interest  
                 Petition for writ of mandate DENIED.
- S078917      Phillip Brooks, Petitioner  
                 v.  
                 Second District Court of Appeal, Respondent  
                 People, Real Party in Interest  
                 Petition for writ of mandate DENIED.
- S078973      Mobassa Boyd, Petitioner  
                 v.  
                 First District Court of Appeal, Division Five, Respondent  
                 People, Real Party in Interest  
                 Petition for writ of mandate DENIED.
- S079014      George R. Palomar, II, Petitioner  
                 v.  
                 First District State Court of Appeal, Respondent  
                 People, Real Party in Interest  
                 Petition for writ of mandate DENIED.
- S080171      People, Respondent  
                 v.  
                 Willie Ray Evans, Appellant  
                 Petition for writ of error coram nobis DENIED.

S073125      In re Royal Kenneth Hayes  
                         on  
                         Habeas Corpus

The request for judicial notice of the record on appeal is granted.

The request that the petition for writ of habeas corpus be consolidated with the automatic appeal in *People v. Royal Kenneth Hayes*, S004725, is denied.

The motion to strike petitioner's reply to respondent's informal response is denied.

The request for an evidentiary hearing is denied, and the petition for writ of habeas corpus is denied on the merits. The petition fails to state facts, which, if true, would entitle petitioner to the relief sought. To the extent that Claims I and II attempt to assert that denial of adequate medical care presently constitutes an impermissible condition of refinement (see *In re Harrell* (1970) 2 Cal.3d 675, 682), the petition is denied without prejudice to a petition to the Marin County Superior Court alleging specific facts adequate to state a prima facie case.

Mosk, J., is of the opinion an order to show cause should issue.

S080541      In re James Michael MacPhee  
                         on  
                         Habeas Corpus

Application for stay and petition for writ of habeas corpus  
DENIED.

1st Dist.      Kathleen C., Appellant  
A079097      v.

Div. 4      Lisa W., Respondent

S079355      Petition for review DENIED.

Mosk, J., and Brown, J., are of the opinion the petition should be granted.

The request for judicial notice is denied.

1st Dist.      People, Respondent  
A079700      v.

Div. 5      Juan Ferral Tinoco, Appellant

S079859      Appellant's petition for review DENIED.

1st Dist. A080236 Div. 3 S079814	People, Appellant v. David Matheson Thomas, Respondent Respondent's petition for review DENIED.
1st Dist. A080367 Div. 2 S079619	Promontory Point Townhomes Association, Respondent v. Shoreline Development Company et al., Respondents Guildhouse Development Corporation, Respondent Petition for review DENIED.
1st Dist. A080566 Div. 4 S078901	People, Respondent v. Jeffrey Scott Harnden, Appellant Appellant's petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
1st Dist. A081096 Div. 4 S079474	Sharron Usher, Respondent v. Friendly Cab Company et al., Appellants Appellants' petition for review DENIED.
1st Dist. A081178 Div. 1 S078659	Norman Monarch, Appellant v. Southern Pacific Transportation Company, Respondent Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted. The request for an order directing depublication of the opinion is DENIED.
1st Dist. A081390 Div. 2 S078692	Sheryle Barkat, Appellant v. USX Corporation, Respondent Petition for review DENIED.
1st Dist. A082050 Div. 5 S079748	People, Respondent v. John Perkins, Appellant Appellant's petition for review DENIED.

1st Dist. A082318 Div. 2 S079885	Gene Housley et al., Appellants v. Castro Valley Sanitary District, Respondent Petition for review DENIED.
1st Dist. A082634 Div. 2 S079700	People, Respondent v. George Nick Detevis, Appellant Appellant's petition for review DENIED.
1st Dist. A086992 Div. 4 S079616	In re John F. Gilligan on Habeas Corpus Petition for review DENIED.
2nd Dist. B106505 Div. 4 S079543	Phillip Seretti et al., Appellants v. Superior National Insurance Company, Respondent Appellants' petition for review DENIED.
2nd Dist. B109530 Div. 3 S079583	Wilkins et al., Appellants v. National Broadcasting Company Incorporated et al., Respondents Petition for review DENIED.
2nd Dist. B109811 Div. 3 S079016	People, Respondent v. Juan Carlos Giraldo, Appellant Appellant's petition for review DENIED.
2nd Dist. B111522 Div. 5 S079178	People, Respondent v. Reco Wilson, Appellant Appellant's petition for review DENIED.



2nd Dist. B112385 B125354 Div. 5 S074939	In re Andrei Belei on Habeas Corpus ----- People, Respondent v. Andrei Belei, Appellant Appellant's petition for review DENIED.
2nd Dist. B114374 Div. 3 S079200	Peter Guu et al., Appellants v. City of Los Angeles, Respondent Appellants' petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
2nd Dist. B115165 Div. 2 S078607	People, Respondent v. Anthony Rodriguez et al., Appellants Appellants' petitions for review DENIED.
2nd Dist. B117540 Div. 3 S067250	People, Respondent v. Jonathan Morgan, Appellant Appellant's petition for review DENIED.
2nd Dist. B118684 Div. 5 S079033	People, Respondent v. Hayward W. Doss, Appellant Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B119256 Div. 2 S079692	Steve Jones, Appellant v. State of California et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B120074 Div. 5 S079694	People, Respondent v. Marcus N. Cosby, Appellant Appellant's petition for review DENIED.

2nd Dist. People, Respondent  
B120499 v.  
Div. 3 Alexander Reyes, Appellant  
S079686 Appellant's petition for review DENIED.

2nd Dist. People, Respondent  
B121273 v.  
Div. 4 Staten Tarley Calbert, Appellant  
S079644 Appellant's petition for review DENIED.

2nd Dist. People, Respondent  
B121445 v.  
Div. 3 Eddy Artola, Appellant  
S079765 Appellant's petition for review DENIED.

2nd Dist. People, Respondent  
B122292 v.  
Div. 1 James W. Henderson, Appellant  
S079159 Petitions for review DENIED.

2nd Dist. People, Respondent  
B122373 v.  
Div. 3 Steven Earl Knopf, Appellant  
S079620 Appellant's petition for review DENIED.

2nd Dist. In re Veronica K., a Person Coming Under the Juvenile Court Law  
B122735 -----  
Div. 4 Los Angeles County Dept. of Children & Family Svcs., Respondent  
S079068 v.  
Joseph and Diana K., Appellant  
Petition for review DENIED.  
The request for an order directing publication of the opinion is  
DENIED.

2nd Dist. Paul Siegel, Appellant  
B122932 v.  
Div. 5 Darrell R. Griffin, Respondent  
S078612 Appellant's petition for review DENIED.

2nd Dist. B122972 Div. 7 S079800	In re Corrina R., Persons Coming Under the Juvenile Court Law ----- Los Angeles County Dept. of Children & Family Svcs., Respondent v. Corrina C., Appellant Petition for review DENIED.
2nd Dist. B124228 Div. 7 S079891	Oliver Wendell Garth, Appellant v. Eddie E. Matheney et al., Respondents Petition for review DENIED.
2nd Dist. B126992 Div. 5 S079743	People, Respondent v. Robert Bhaner, Appellant Respondent's petition for review DENIED.
2nd Dist. B127909 Div. 2 S079796	Farmes Insurance Exchange et al., Respondents v. Joel Drume, Appellant Petition for review DENIED.
2nd Dist. B128501 Div. 1 S078610	Salvador Hernandez, Petitioner v. Workers' Compensation Appeals Board, Respondent White Memorial Medical Center, Respondent Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B131141 Div. 4 S079716	Alaba O. Awofolu, Petitioner v. Workers' Compensation Appeals Board, Respondent Petition for review DENIED.
2nd Dist. B132044 Div. 2 S079669	Marie J. Klock, Petitioner v. Los Angeles County Superior Court, Respondent Insurance Company of North America, Real Party in Interest Petition for review DENIED.

2nd Dist. Malinee-Mary Chinakool, Petitioner  
B132232 v.  
Div. 5 Los Angeles Municipal Court, Respondent  
S079691 20th Century Insurance Co., Real Party in Interest  
Petition for review DENIED.

2nd Dist. Elona Kogan, Petitioner  
B132259 v.  
Div. 7 Los Angeles County Superior Court, Respondent  
S079811 Peter G. Thomas et al., Real Parties in Interest  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Petitioner  
B133616 v.  
Div. 1 Los Angeles County Superior Court, Respondent  
S080721 Anthony Levon Smith, Real Party in Interest  
Application for stay and petition for review DENIED.

3rd Dist. People, Respondent  
C026155 v.  
S079753 Patrick Michael Patterson, Appellant  
Appellant's petition for review DENIED.

3rd Dist. Jonathon Levi Ross, a Minor, etc., Respondent  
C026415 v.  
S079695 Ford Motor Company, Appellant  
Respondent's petition for review DENIED.  
The request for an order directing publication of the opinion is DENIED.

3rd Dist. People, Respondent  
C027359 v.  
S079702 Kentric McKoy, Appellant  
Appellant's petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent  
C028256 v.  
S079806 Kelly Vaughn Kimble, Appellant  
Appellant's petition for review DENIED.

3rd Dist. People, Respondent  
C028580 v.  
C027924 Angeline Marie Jones, Appellant  
S079192 Appellant's petition for review DENIED.

3rd Dist. Raul S. Alcala et al., Respondents  
C028994 v.  
S079022 California Youth Authority et al., Appellants  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent  
C029113 v.  
S079858 Luis Ramirez Marquez, Appellant  
Appellant's petition for review DENIED.

3rd Dist. People, Respondent  
C029133 v.  
S079897 Roger Joel Mackrill, Appellant  
Appellant's petition for review DENIED.

3rd Dist. James E. Williams, Appellant  
C029344 v.  
S079547 Department of Social Services, Respondent  
Petition for review DENIED.

3rd Dist. People, Respondent  
C029404 v.  
S078974 Ronald Dean Glaser, Respondent  
Respondent's petition for review DENIED.

3rd Dist. People, Respondent  
C029671 v.  
S079763 Paul Edward Taylor, Appellant  
Appellant's petition for review DENIED.

3rd Dist. People, Respondent  
C030213 v.  
S079604 Michael Angelo Serrato, Appellant  
Appellant's petition for review DENIED.

3rd Dist. Roberto Chaidez, Petitioner  
C032564 v.  
S079676 Sacramento County Superior Court, Respondent  
People, Real Party in Interest  
Petition for review DENIED.

4th Dist. People, Respondent  
D026025 v.  
D032237 Douglas F. Dustin, Appellant  
Div. 1 Appellant's petition for review DENIED.  
S079117

4th Dist. Sarah Rosenfield, Appellant  
D027112 v.  
Div. 1 Community Resource Center et al., Respondents  
S079740 Appellant's petition for review DENIED.

4th Dist. In re Anna Marie Allen on Habeas Corpus  
D028952 -----  
D031341 People, Respondent  
Div. 1 v.  
S078971 Anna Marie Allen, Appellant  
Appellant's petition for review DENIED.

4th Dist. People, Respondent  
D029014 v.  
Div. 1 Lee Edwin Alexander et al., Appellants  
S079053 Appellants' petition for review DENIED.

4th Dist. Security Pacific Financial Services, Respondent  
D029409 v.  
Div. 1 Richard E. White et al., Appellants  
S079754 Appellants' petition for review DENIED.

4th Dist. People, Respondent  
D029456 v.  
D032234 Paul Jackson, Appellant  
Div. 1 -----  
S078928 In re Paul Jackson on Habeas Corpus]  
Appellant's petition for review DENIED.

4th Dist. D029678 Div. 1 S078930	People, Respondent v. Karl Ray Masek, Appellant Appellant's petition for review DENIED.
4th Dist. D029857 Div. 1 S079040	People, Respondent v. Anson Jackson, Appellant Appellant's petition for review DENIED.
4th Dist. D031023 Div. 1 S079638	People, Respondent v. Ursula N. Thomas, Appellant Appellant's petition for review DENIED.
4th Dist. D031056 Div. 1 S079761	National Parks and Conservation Association et al., Respondents v. County of Riverside et al., Appellants Kaiser Steel Resources Incorporated et al., Real Parties in Interest And Companion Case Petition for review DENIED. Kennard, J., and Chin, J., are of the opinion the petition should be granted.
4th Dist. D032286 Div. 1 S079663	San Diego County Health & Human Services Agency, Respondent v. Lutfee S., Appellant Petition for review DENIED.
4th Dist. D032912 Div. 1 S079034	In re Agapito Ruvalcaba on Habeas Corpus Petition for review DENIED.
4th Dist. D032913 Div. 1 S079032	In re Rogelio Cordero on Habeas Corpus Petition for review DENIED.

4th Dist. In re Brian Keith Stafford  
D033104 on  
Div. 1 Habeas Corpus  
S079798 Petition for review DENIED.

4th Dist. People, Respondent  
E021060 v.  
Div. 2 Graziano H. Moreno, Appellant  
S079633 Appellant's petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent  
E021166 v.  
Div. 2 Gabriel Louis Hernandez, Appellant  
S075045 Appellant's petition for review DENIED.  
Mosk, J., and Kennard, J., are of the opinion the petition should be granted.

4th Dist. San Bernardino Valley Audubon Society, Appellant  
E021361 v.  
Div. 2 Metropolitan Water District of Southern California et al., Appellants  
S079109 Riverside County Habitat Conservation Agency, Appellant  
Petition for review DENIED.  
Motion to strike denied.  
The request for an order directing depublication of the opinion is DENIED.

4th Dist. People, Respondent  
E021761 v.  
Div. 2 Johnny Don Hill, Appellant  
S078888 Appellant's petition for review DENIED.

4th Dist. People, Respondent  
E022897 v.  
Div. 2 Kirk Brian Amaya, Appellant  
S079722 Appellant's petition for review DENIED.

4th Dist. People, Respondent  
E023288 v.  
Div. 2 Luis Gerardo Figueroa, Appellant  
S079831 Appellant's petition for review DENIED.



4th Dist. E024243 Div. 2 S079701	In re Ashlie M., a Person Coming Under the Juvenile Court Law ----- Department of Social Services, Respondent v. Casey M., Appellant Appellant's petition for review DENIED.
4th Dist. E024781 Div. 2 S078988	People, Petitioner v. San Bernardino County Superior Court, Respondent Waste Management Incorporated, Real Party in Interest Petition for review DENIED.
4th Dist. G022628 Div. 3 S079103	People, Respondent v. Dennis Robert Estrada, Appellant Appellant's petition for review DENIED.
4th Dist. G024072 Div. 3 S079674	Michael O. Castaneda, Appellant v. Luiz Maria Flor, Respondent Appellant's petition for review DENIED.
5th Dist. F025765 F026444 S078831	City of Fresno et al., Appellants v. People ex rel. Fresno Firefighters IAFF Local 753, Appellant And Companion Case Petition for review DENIED.
5th Dist. F026911 S079118	People, Respondent v. Efrem Wandick, Appellant Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
5th Dist. F026420 S079789	People, Respondent v. Israel Soto Quiroz et al., Appellants Appellants' petitions for review DENIED.

5th Dist. People, Respondent  
F026878 v.  
S078844 Noe Viramontes et al., Appellants  
Petitions for review DENIED.  
Mosk, J., is of the opinion review should be granted.

5th Dist. People, Respondent  
F029411 v.  
S079666 Juan Marquez Soto, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F029449 v.  
S079632 Earl Toney, Appellant  
Appellant's petition for review DENIED.

5th Dist. In re the Marriage of Joyce Ruth and Albert Wayne Kinzel  
F029493 -----  
S079741 County of Fresno, Respondent  
v.  
Albert Wayne Kinzel, Appellant  
Petition for review DENIED.

5th Dist. People, Respondent  
F029614 v.  
S079801 Randy Cyril Hanson, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F029790 v.  
S079742 Steven Miles Miller, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030311 v.  
S079779 Lavester Carlisle, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030372 v.  
S079427 Raymond A. Rodriguez, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030644 v.  
S079849 Rene Morales, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030662 v.  
S079780 Jose Eduardo Castillo, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030756 v.  
S079766 Ronald William Usher, Appellant  
Appellant's petition for review DENIED.

5th Dist. People, Respondent  
F030900 v.  
S079805 John Ray Salinas, Appellant  
Appellant's petition for review DENIED.

5th Dist. Chavonne Marie Malone et al., Petitioners  
F031234 v.  
F031970 Kern County Superior Court, Respondent  
S072698 People, Real Party in Interest  
Application for stay and petition for review DENIED.  
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed May 4, 1999, which appears at 71 Cal.App.4th 1289. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

6th Dist. Robert R. Nottle, Respondent  
H015834 v.  
S079610 Litton Systems Inc. et al., Appellants  
Petition for review DENIED.  
Mosk, J., is of the opinion the petition should be granted.

6th Dist. City of Morgan Hill, Plaintiff  
H016088 v.  
S079629 Ernest C. Brown et al., Respondents  
Margaret A. Seltzer, Appellant  
Appellant's petition for review DENIED.  
The request for an order directing depublication of the opinion is  
DENIED.

6th Dist. Adela Benavidez et al., Appellants  
H017187 v.  
S079569 San Jose Police Department et al., Respondents  
Appellants' petition for review DENIED.

6th Dist. People, Respondent  
H017747 v.  
S079648 Roy James Williams, Appellant  
Appellant's petition for review DENIED.

6th Dist. Susan Eva Marie Heraver, Appellant  
H017968 v.  
S078813 Lin O'Neill et al., Respondents  
Appellant's petition for review DENIED.  
The request for an order directing publication of the opinion is  
DENIED.

6th Dist. In re Michael W., a Person Coming Under the Juvenile Court Law  
H018856 -----  
S079717 People, Respondent  
v.  
Michael W., Appellant  
Appellant's petition for review DENIED.

6th Dist. In re Otilio Ortiz  
H019950 on  
S078943 Habeas Corpus  
Petition for review DENIED.

6th Dist. H019979 S079724	Robert E. Dunne et al., Petitioners v. Santa Clara County Superior Court, Respondent Christopher Safar, Real Party in Interest Petition for review DENIED.
L.A.S.C. App.Dept. BV21625 S079048	Wiseman Management Company, Respondent v. Abdi Rashtian et al., Appellants The request for an order directing publication of the opinion in the above entitled cause is DENIED.
1st Dist. A077450 A085569 Div. 2 S078985	People, Respondent v. Kim Harold Burnett, Appellant The request for an order directing depublication of the opinion in the above entitled cause is DENIED.
1st Dist. A081811 Div. 1 S079436	Schindler Elevator Corporation, Appellant v. City and County of San Francisco et al., Respondents Montgomery Kone Inc., Real Party in Interest The request for an order directing publication of the opinion in the above entitled cause is DENIED.
1st Dist. A082256 Div. 4 S080166	County of Del Norte, Respondent v. City of Crescent City, Appellant The request for an order directing depublication of the opinion in the above entitled cause is DENIED.
2nd Dist. B115167 Div. 5 S079369	People, Respondent v. Yoshie Cale, Appellant The request for an order directing publication of the opinion in the above entitled cause is DENIED.

2nd Dist. People, Respondent  
B116142 v.  
Div. 2 Charles Earl Wiseman et al., Appellants  
S078543 The request for an order directing publication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. Teachers Insurance and Annuity Association, Respondent  
B117050 v.  
Div. 3 Alex Furlotti et al., Appellants  
S079346 The request for an order directing depublication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. Rafael Angulo, Appellant  
B120185 v.  
Div. 7 Truck Insurance Exchange, Respondent  
S078377 The request for an order directing publication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. California School Employees Association et al., Appellants  
B121447 v.  
Div. 3 Long Beach Community College District, Respondent  
S079664 The request for an order directing publication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. People, Respondent  
B123152 v.  
Div. 2 Fletcher Charles Gill, Appellant  
S079148 The request for an order directing publication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. In re Brandon and Rangey C., Persons Coming  
B124552 Under the Juvenile Court Law  
Div. 4 -----  
S080172 Los Angeles County Dept. of Children Services, Appellant  
v.  
Roberta B., Respondent  
The request for an order directing depublication of the opinion in  
the above entitled cause is DENIED.

2nd Dist. Joseph Stadish et al., Petitioners  
B127205 v.  
Div. 2 Los Angeles County Superior Court, Respondent  
S080151 Southern California Gas Company, Real Party in Interest  
The request for an order directing depublication of the opinion in the above entitled cause is DENIED.

3rd Dist. Robin Dartis, Appellant  
C026932 v.  
S078379 Employment Development Department et al., Respondents  
The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. William B. Kolender, Respondent  
D028555 v.  
Div. 1 San Diego County Civil Service Commission  
S078195 Arlesia Wilkins et al., Appellants  
The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. People, Respondent  
D029893 v.  
Div. 1 Robert Fletcher, Appellant  
S078092 The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. People, Respondent  
D029976 v.  
Div. 1 Gregory Cornell, Appellant  
S078378 The request for an order directing publication of the opinion in the above entitled cause is DENIED.

4th Dist. People, Respondent  
E021995 v.  
Div. 2 Carl V. Thurston, Appellant  
S079872 The request for an order directing depublication of the opinion in the above entitled cause is DENIED.

- 4th Dist.      Jessie Thompson, Respondent  
G019116      v.  
Div. 3      Friendly Hills Regional Medical Center, Appellant  
S079788      The request for an order directing depublication of the opinion in  
the above entitled cause is DENIED.
- 5th Dist.      Avenal Hospital District et al., Appellants  
F029585      v.  
S079472      County of Kings et al., Respondents  
The request for an order directing publication of the opinion in  
the above entitled cause is DENIED.
- S005502      People, Respondent  
v.  
David Keith Rogers, Appellant  
On the basis of counsel Alan W. Sparer's representation that he  
"continue[s] to work toward the August 23, 1999 deadline," it is  
ordered that the time to serve and file appellant's reply brief is  
extended to and including August 23, 1999.
- S020244      People, Respondent  
v.  
Jesus Ciane Hernandez, Appellant  
On application of appellant and good cause appearing, it is  
ordered that the time to serve and file appellant's opening brief is  
extended to and including August 18, 1999.  
No further extensions of time will be granted.
- S031603      People, Respondent  
v.  
John Irving Lewis, Appellant  
On application of appellant and good cause appearing, it is  
ordered that the appellant is granted to and including September 20,  
1999, to request correction of the record on appeal. Counsel for  
appellant is ordered to notify the Clerk of the Supreme Court in  
writing as soon as the act as to which the Court has granted an  
extension of time has been completed.



S034072 People, Respondent

v.

Robert Zane Curl, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including October 1, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S034110 People, Respondent

v.

Mark Christopher Crew, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including September 20, 1999.

S036450 People, Respondent

v.

Herbert Harris Koontz, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including August 16, 1999.

S040704 People, Respondent

v.

Brian David Johnsen, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including August 23, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S045184 People, Respondent

v.

Steven Wayne Bonilla, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 20, 1999, to request correction of the record on appeal. Counsel for

appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S070177      Thomas M. White, Appellant  
                 v.  
                 Ultramar Inc., Respondent

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's supplemental response is extended to and including July 23, 1999.

S070780      In re George Hatton Smithey  
                 on  
                 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including September 21, 1999.

S074000      In re Keith Edward Adcox  
                 on  
                 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including August 9, 1999.

S076444      People, Respondent  
                 v.  
                 Freddie Lee Cromer, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief on the merits is extended to and including August 18, 1999.

S076454      Ora Peatros, Appellant  
                 v.  
                 Bank of America NT&SA et al., Respondents

Respondent Bank of America NT&SA's request for an extension of time to file respondent's answer brief on the merits is hereby DENIED.

S077360 People, Respondent

v.

Eldon Lee Tillman, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including August 14, 1999.

No further extensions of time will be granted.

S077861 Wendy Fox et al., Appellants

v.

Richard J. Kramer et al., Respondents

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' reply brief on the merits is extended to and including September 21, 1999.

S034473 People, Respondent

v.

Christian Antonio Monterroso, Appellant

Appellant's Motion to Correct the Record on Appeal is denied without prejudice to his right to seek inclusion in a supplemental Clerk's Transcript of the defense jury questionnaire or a certified or stipulated copy thereof, if appellant is able to demonstrate that said document was before the trial court during the trial or pretrial proceedings in this matter and thus properly be made part of the record on appeal. The motion is denied in all other respects.

S055279 In re Theodore Wrest

on

Habeas Corpus

Petitioner's Motion for Ruling on Petition for Writ of Habeas Corpus is denied on the ground that the petition will be considered in due course, consistent with the court's responsibility to address other matters pending before the court.

Petitioner's Motion for Deposition of Essential Witness is denied. (See *People v. Gonzalez* (1990) 51 Cal.3d 1179, 1258.)

S072196      In the Matter of the Suspension of Attorneys  
Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the suspension of **Ulysses Grant Plummer III**, pursuant to our order filed on July 28, 1998, is hereby terminated.

This order is final forthwith.

S078945      In re **David R. Cadwell** on Discipline

It is ordered that **David R. Cadwell** be suspended from the practice of law for five years and until he makes restitution to Robert Gaffin (or the Client Security Fund, if appropriate) in the amount of \$3,546.00, plus 10% interest per annum from July 31, 1997; to Edna Turner (or the Client Security Fund, if appropriate) in the amount of \$3,000.00, plus 10% interest per annum from April 30, 1997; to Angie Marie (or the Client Security Fund, if appropriate) in the amount of \$900.00, plus 10% interest per annum from January 31, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he makes restitution to Robert Gaffin (or the Client Security Fund, if appropriate) in the amount of \$3,546.00 , plus 10% interest per annum from July 31, 1997; to Edna Turner (or the Client Security Fund, if appropriate) in the amount of \$3,000.00, plus 10% interest per annum from April 30, 1997; to Angie Marie (or the Client Security Fund, if appropriate) in the amount of \$900.00, plus 10% interest per annum from January 31, 1996, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed January 19, 1999. It is also ordered that he take and pass the

Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

\*(See Business & Professions Code, § 6126, subd. (c).)

S078922 In re **Howard Leslie Husted** on Discipline

It is hereby ordered that **Howard Leslie Husted**, Bar No. 165328, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Business & Professions Code, § 6126, subd. (c).)

S078923 In re **Melvin Caesar Belli** on Discipline

It is ordered that **Melvin Caesar Belli** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for one year and until he makes restitution to Melia Belli in the amount of \$117,588.48, plus 10% interest per annum from December 1, 1994, on \$101,588.48 of that amount, and 10% interest per annum from July 7, 1995, on the remaining \$16,000 of that amount and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. He shall also remain actually suspended until he pays to Melia Belli her costs of suit in *Belli v. Sonora Gold, et al.*, S.F. Super. Ct. No. 946110 and furnishes satisfactory proof of such payment to the Probation Unit. If the period of actual suspension exceeds two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 6, 1999. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

\*(See Business & Professions Code, § 6126, subd. (c).)

S078924 In re **David L. Odom** on Discipline

It is hereby ordered that **David L. Odom**, Bar No. 52057, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State.

\*(See Business & Professions Code, § 6126, subd. (c).)

